

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 EA-11 NEA-10 IO-14 ISO-00 OMB-01 TAR-02

SPC-03 SWF-02 AGR-20 AID-20 CIAE-00 COME-00 INR-10

LAB-06 NSAE-00 OIC-04 RSC-01 SIL-01 STR-08 TRSE-00

CIEP-02 CEA-02 L-03 FMC-04 DOTE-00 CG-00 ARA-16 AF-10

COA-02 DLOS-06 CAB-09 GSA-02 DODE-00 PA-04 USIA-15

PRS-01 DRC-01 /227 W

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R 141330Z MAR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 4608

INFO AMEMBASSY ATHENS

AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMCONSUL HAMBURG

USUN NEW YORK 177

USMISSION OECD PARIS

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PASS FMC FOR CHAIRMAN BENTLEY

E.O. 11652: N/A

TAGS: ETRN, UN, UNCTAD

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SUBJECT: SHIPPING: UN CONFERENCE ON CODE OF CONDUCT FOR LINER

CONFERENCES

BEGIN SUMMARY: RESUMED SESSION OF CONFERENCE OPENED MARCH 11 IN ROUTINE FASHION. SRIVASTAVA (INDIA, PRESENTLY SYG OF IMCO) RE-ELECTED AS INDEPENDENT PRESIDENT OF CONFERENCE DURING SHORT PLENARY SESSION. THIS FOLLOWED SAME MORNING BY BRIEF PLENARY SESSIONS OF COMMITTEES TWO (ON SUBSTANCE OF CODE) AND THREE (ON IMPLEMENTATION AND FINAL CLAUSES). COMMITTEE TWO REACTIVATED TWO NEGOTIATING GROUPS ALONG LINES OF NOV-DEC CONFERENCE TO ATTEMPT RESOLVE OUTSTANDING DIFFERENCES IN SECTIONS B THROUGH E OF CODE. BOTH GROUPS BEGAN SUBSTANTIVE WORK ON SAME DAY, CONCENTRATING INITIALLY ON MEMBERSHIP AND CARGO SHARING PROVISIONS. COMMITTEE THREE COMMENCED ITS WORK BY DISCUSSING FINAL CLAUSES. END SUMMARY

1. AT OPENING PLENARY, PRESIDENT OF CONFERENCE EMPHASIZED NEED A) TO COMMENCE WORK ON PROVISIONS OF CODE IMMEDIATELY AND B) TO ABIDE BY AGREEMENTS REACHED AT NOV-DEC CONFERENCE ON RESUMPTION OF WORK, IN ORDER FOR RESUMED SESSION OF CONFERENCE TO FINISH ITS WORK IN THREE WEEKS. BY PRIOR AGREEMENT THERE WERE NO OPENING STATEMENTS, EITHER BY GROUP COORDINATORS OR INDIVIDUAL DELS.

2. COMMITTEE TWO. IN NEGOTIATING GROUP 1, CHAIRED BY LOBO (BRAZIL), AGREEMENT ON REMOVAL OF BRACKETS IN PARA 3, ON MEMBERSHIP, AMONG 77, GROUP D AND SOME B'S, RESULTED IN EXCESSIVE RESTRICTIONS ON ADMISSION TO CONFERENCES. US REPRESENTATIVE ACCORDINGLY DISASSOCIATED HIMSELF FROM AMENDED PARA 3 AND REINTRODUCED FORMER US ALTERNATIVE WHICH PROVIDES FOR OPEN CONFERENCE SYSTEM. OTHER GROUP G'S MAINTAINED THEIR PREVIOUS ALTERNATIVES.

3. IN DISCUSSION OF CARGO-SHARING PROVISIONS, LOBO MADE CLEAR THAT GROUP 77 WANTED CARGO-SHARING PROVISIONS TO BE MANDATORY FOR ALL CONFERENCES. UNITED STATES, SWEDEN, JAPAN, NORWAY, NETHERLANDS AND UNITED KINGDOM STRONGLY REJECTED MANDATORY CARGO-SHARING. POLAND, INDICATING SOME SUPPORT FOR US ALTERNATIVE ON CARGO-SHARING, ALSO REJECTED MANDATORY CARGO-SHARING. WHILE RESERVING POSITION FOR PRESENT, SOVIETS APPEAR TO SUPPORT SOME FORM OF MANDATORY CARGO-SHARING. THIS ASPECT OF CARGO-SHARING CONTROVERSY WILL PROBABLY BE REFERRED TO THE PRESIDENT'S GROUP FOR DECISION.

4. 77 ACCEPTED JAPANESE PROPOSAL TO MODIFY REFERENCE TO 20 PERCENT LIMITED OFFICIAL USE

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(THIRD-COUNTRY SHARE IN CARGO-SHARING PROVISIONS) TO "SUCH AS 20 PERCENT". ITALY JOINED THOSE SUPPORTING PRESIDENT'S COMPROMISE PACKAGE CARGO-SHARING PROVISIONS, WITH SOME LIMITATIONS, AND GREECE INTRODUCED NEW CARGO-SHARING PROPOSAL FEATURING ONE-THIRD SHARES (ONE-THIRD EACH FOR NATIONAL LINES AND ONE-THIRD FOR THIRD-COUNTRY LINES). NEITHER THIS PROPOSAL NOR NORWEGIAN REITERATION OF 40 PERCENT PREFERENCE FOR LDC SHIPPING LINES RECEIVED SUPPORT. FOR TIME BEING, TEXTS ON CARGO-SHARING REFER ONLY TO CARGO CARRIED BY

CONFERENCE RATHER THAN OF ENTIRE LINER TRADE.

5. US REP (WEBB) STRIVING, IN INFORMAL DISCUSSIONS WITH KEY LDC, GROUP B AND D REPS, TO RALLY SUPPORT FOR US ALTERNATIVE ON CARGO-SHARING (WHICH CLEARLY EXCLUDES MANDATORY ASPECT OF CARGO-SHARING AND DELETES 20 PERCENT FUTURE). SOME FLICKER OF INTEREST FROM SCANS (WHO DO NOT SUPPORT PRESIDENT'S PACKAGE) AND PROMISES OF TACIT SUPPORT FROM SOME B COUNTRIES WHICH DO SUPPORT PACKAGE (NOTABLY NETHERLANDS, FRG AND AUSTRALIA), AS WELL AS JAPAN. US REP HAS ALSO DISCUSSED THIS TACTIC INFORMALLY AND CONFIDENTIALLY WITH SRIVASTAVA.

6. IN NEGOTIATING GROUP II, UNDER CHAIRMANSHIP OF RAJWAR (INDIA), STARTED OFF BY SKIPPING MORE CONTROVERSIAL ISSUES (E.G. CRITERIA FOR FIXING FREIGHT RATES), AGREEMENT HAS BEEN REACHED ON SOME OF THE PROVISIONS ON FREIGHT RATES. HOWEVER, GROUP 77 APPARENTLY UNWILLING TO COMPROMISE ON ANY LANGUAGE, PARTICULARLY THAT ASSOCIATED WITH PRESIDENT'S PACKAGE. GROUP B COUNTRIES HOLDING FIRM ON PRINCIPLE THAT RATES MAY GO INTO EFFECT UPON EXPIRY OF ADVANCE NOTICE PERIOD.

7. COMMITTEE III DISCUSSIONS THROUGH MARCH 13 P.M. SESSION HAVE NOT REACHED ANY SECTION F QUESTIONS. WORK HAS COMMENCED ON SECTION G, FINAL CLAUSES, FIRST READING OF WHICH WILL BE CONCLUDED ON MARCH 14. AGREEMENT GENERALLY REACHED ON DEPOSITARY (UN SEC GEN), OFFICIAL LANGUAGES (UN) DENUNCIATION (TWO YEARS AFTER ENTRY INTO FORCE, EFFECTIVE ON YEAR AFTER DEPOSIT OF DENUNCIATION) AND TERRITORIAL APPLICATION (PROVISION TO BE DELETED). TRADITIONAL DIVISIONS REMAIN ON SIGNATURE AND RATIFICATION (EAST AND 77 SUPPORTING ALL STATES, WEST VIENNA FORMULA). ALSO AGREEMENT LACKING THUS FAR ON ENTRY INTO FORCE (TONNAGE OR GEOGRAPHICAL FORMULA V. ABSOLUTE NUMBER OF STATES), RESERVATIONS (YES V. NO), AND AMENDMENT PROCEDURES (VARIETY OF COMPETING FORMULATIONS).

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8. CHAIRMAN INTENDS BEGIN FIRST READING OF SECTION F WHEN FIRST READING G ENDS, INCLUDING SATURDAY SESSION. WORK PROGRAM WOULD BE TWO READINGS, THEN FORWARDING OF ANY REMAINING BRACKETED TEXT TO PRESIDENT'S GROUP FOR DECISION. IF INTERPRETERS AVAILABLE NEXT WEEK, COMMITTEE III WOULD SPLIT IN TWO, ONE GROUP TO DEVELOP SPECIAL PROCEDURAL RULES AND
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